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ONE HUNDRED NINTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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July 25, 2005

The President
The White House
Washington, DC

Dear Mr. President:

I write in order to seek your pledge that you will not pardon anyone who has worked or is currently working in your Administration pursuant to Article II, Section 2 of the Constitution in the event that any such individual is either prosecuted for, or convicted of, a crime in connection or relation with the disclosure of Valerie Wilson's identity as a CIA operative or any related matter.

Your handling of the Valerie Wilson matter already appears to be replete with examples of lessening regard for high standards of ethical and legal behavior. First, you refused to respond to a request by myself and 90 Members of Congress that you ask Karl Rove, one of your top advisors, to either disclose his role in the outing of Mrs. Wilson or resign and, indeed, have allowed him to remain on your staff without doing so.¹ Second, on July 18, 2005, you changed the threshold for terminating your staff from leaking the identity of Mrs. Wilson² to the necessity for an actual crime to have been committed.³ On repeated occasions, you have permitted your staff to mislead and/or lie to the American people in connection with this matter without disciplinary consequences. For several years, your press secretary, Scott McClellan, assured the American people that neither Mr. Rove, I. Lewis Libby, nor Elliot Abrams were involved in the

¹Letter from the Honorable John Conyers, Jr., Ranking Member, U.S. House Comm. on the Judiciary, *et al.* to the President (July 14, 2005).

²President George W. Bush, President Bush Holds Press Conference Following the G8 Summit (June 10, 2004) (transcript available at <http://www.whitehouse.gov/news/releases/2004/06/20040610-36.html>).

³President George W. Bush, President, Prime Minister of India Discuss Freedom and Democracy (July 18, 2005) (transcript available at <http://www.whitehouse.gov/news/releases/2005/07/20050718-1.html>).

leak;⁴ just this past month, however, we learned that both Mr. Rove and Mr. Libby were sources for Ms. Plame's identity.⁵ Mr. McClellan remains undisciplined for his statements. I am therefore concerned that these low ethical standards foreshadow future actions on your part that will allow individuals responsible for this breach of national security to evade accountability.

As you may recall, many questioned the propriety of your father sealing the case records and pardoning six individuals from his Administration who were implicated by Independent Counsel Lawrence Walsh in the Iran-Contra case.⁶ When issues of the executive's pardon power involving members of his own Administration were raised during investigations involving the Clinton Administration, the House Judiciary Committee, of which I serve as Ranking Member, held a hearing concerning the constitutional limits of the President with regards to the power of executive clemency. During those hearings, Rep. Lamar Smith (R-TX) presciently stated, "Improperly exercised, the pardon is a travesty of justice – an act borne not of mercy, but of tyranny."⁷

There is little doubt that outing an intelligence operative is one of the most serious offenses under our laws, as it endangers not only the operative, their family, and their employer, but jeopardizes other operatives and intelligence assets, and our nation's security. To do so during a time of war for purposes of a political vendetta makes the offense far worse. That is why when in connection with the drafting of our Constitution, Alexander Hamilton wrote, the "power of pardoning in the President has . . . been only contested in relations to the crime of

⁴White House Press Secretary Scott McClellan, Press Briefing (Oct. 10, 2003).

⁵See Lorne Manly & David Johnston, *Reporter Says He First Learned of CIA Operative from Rove*, N.Y. TIMES, July 18, 2005.


⁶See David Johnston, *Bush Pardons Six in Iran Affair, Aborting a Weinberger Trial; Prosecutor Assails 'Cover-Up'*, N.Y. TIMES, Dec. 25, 1992, at A1; Walter Pincus, *Bush Pardons Weinberg in Iran-Contra Affair*, WASH. POST, Dec. 25, 1992, at A1.

⁷*Presidential Pardon Power: Hearing Before the Subcomm. on the Const. of the U.S. House Comm. on the Judiciary*, 107th Cong., 1st Sess. (Feb. 28, 2001). See also reader contribution to www.buzzflash.com (<http://www.buzzflash.com/contributors/05/07/con05249.html>) (visited July 25, 2005).

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treason.”⁸ I hope you agree with Mr. Hamilton that there is no justification for using pardon powers in any way to insulate those who would commit such acts of disloyalty against our nation.

I look forward to your earliest response to this important matter. Please have your office respond to my Judiciary Committee office at 225-6504, 2142 Rayburn House Office Building, Washington, DC 20515.

Sincerely,

John Conyers, Jr.
Ranking Member

⁸THE FEDERALIST NO. 74 (Alexander Hamilton). See also reader contribution to www.buzzflash.com (<http://www.buzzflash.com/contributors/05/07/con05249.html>) (visited July 25, 2005).